

REMARKS

Favorable reconsideration in view of the previous amendments and following remarks is respectfully requested.

Applicants hereby acknowledge the election of species 1 directed to Fig. 6. At least claims 9-14 and 16 read on the elected species. Currently, claims 9 and 16 are generic. Claim 15 has been withdrawn. Applicants respectfully request rejoinder of claim 15 upon the allowance of independent claim 9, from which claim 15 depends.

Claims 9-16 are pending. By this Amendment, claims 9, and 13-16 are amended. No new matter has been added. Support for the amendments can be found at least in Fig. 6.

The Office Action rejects claims 9, 10 and 16 under 35 U.S.C. § 102(b) over JP 2000-261017 and rejects claims 11-14 under 35 U.S.C. § 103(a) over JP '017 in view of JP 2003-298098. These rejections are respectfully traversed.

Applicants' independent claim 9 is directed to an apparatus for holding a plurality of solar cell units. Claim 9 recites, in combination with other claimed features, a roof mount fixture configured to be fixed onto a roof. A mounting member is configured to be fixed to the roof mount fixture and includes at least one side plate. A frame member includes a portion configured to be sandwiched and fixed between the mounting member and a plurality of modules. The frame member includes unit supporting portions configured to support ends of the solar cell units. The roof mount fixture includes a convex portion that contacts the at least one side plate of the mounting member from an inner side of the at least one side plate to prevent deformation of the mounting member.

Such features encompasses Applicants' exemplary embodiment as illustrated in Fig. 6 wherein mount fixtures 20 are fixed onto the roof. Mounting member 10 is configured to be fixed to the roof mount fixture 20 and includes at least one side plate 10e. The frame 3 includes a portion 3e which is positioned and fixed between the mounting member 10 and the fixture 30. The groove 3c supports ends of the solar cell units 2. The roof mount fixture 20 includes a convex portion 20b provided at the inner side of the side plates 10e to serve as a stopper against deformation of the side plates 10e.

JP '017 includes a fixing device of a solar battery module. A hollow rest 11 includes end plates 11c on lip 11a. A module affixing metal fixture 13 is engaged with a part between the end plates 11c of the lips 11a. The hollow rest 11 includes portions which contact an outside surface of the fixture 13. The Examiner indicates that element 3 corresponds to the frame member of claim 9. Thus, JP '017 does not disclose a roof mounting fixture including a convex portion that contact the at least one side plate of the mounting member from an inner side of the at least one side plate for preventing deformation of a mounting member as in Applicants' amended independent claim 9.

JP '098 does not overcome the deficiencies of JP '017 noted above.

Independent claim 16 is allowable for at least the reasons discussed above with respect to independent claim 9.

The dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite.

Early and favorable action with respect to this application is respectfully requested.

Should the Examiner have any questions regarding this Amendment of the application in general, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: May 6, 2009

By:

A handwritten signature in black ink, appearing to read 'Michael Britton', is written over a horizontal line.

Michael Britton

Registration No. 47,260

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620